

right to divert the same into and store the same in the Grassy Trail Creek reservoir, including the right to recapture and re-use the water issuing from the sewage disposal plants, and they shall have no liability to any of the plaintiffs by reason thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiffs Himonas shall not make any water filing on the waters of Grassy Trail Creek upstream from the point of diversion under Application No. 13333, which is described as 7470 ft. East and 3620 feet North of the Northwest corner of Section 15, Township 15 South, Range 12 East, SLB&M, and if the plaintiffs Himonas make any filings on Grassy Trail Creek downstream from said point, it is adjudged and decreed that neither they nor their successors in interest shall have any claim of any kind against any of the defendants for any changes made in the manner or nature of use or the place of use of water herein decreed to be owned by said defendants, including changes in the use of the water issuing from the disposal plants, nor shall they have any right to any waters which originate in Whitmore Canyon, and as to waters originating in Whitmore Canyon, it is adjudged as between these parties that the waters are fully appropriated.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the claims of each of the plaintiffs for money damages, both actual and punitive, shall be and the same are hereby dismissed with prejudice and on the merits, with each party hereto to bear his or its own costs.

Dated this 24 day of September, 1957.

BY THE COURT:

of A. Sherman Christenson
J u d g e